



AF 12815

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Toshiya UEMURA, et al.

Serial No.: 09/559,273

Group Art Unit: 2815

Filed: April 27, 2000

Examiner: Joseph H. Nguyen

For: LIGHT-EMITTING SEMICONDUCTOR DEVICE USING GROUP III
NITRIDE COMPOUND

Honorable Commissioner of Patents
Box AF
Alexandria, VA 22313-1450

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**RESPONSE AND SUBMISSION OF
VERIFIED TRANSLATION OF PRIORITY DOCUMENT**

Sir:

In response to the Final Office Action dated September 9, 2003, Applicant states as follows:

REMARKS

Claims 1-10, 12 and 27-36 are all the claims presently pending in the application.

Claims 1-6, 12, 27-29 and 32-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura, et al. (U.S. Patent No. 5,563,422, in further view of Okazaki (U.S. Patent No. 5,990,500). Claims 7-10, 30-31 and 35-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura, et al. and Okazaki, and in further view of Neumann, et al. (U.S. Patent No. 5,614,736).

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner. Moreover, neither Nakamura, nor Okazaki, nor Neumann, nor any combination thereof teaches or suggests each and every element of the claimed invention. Therefore, even if combined, the combination would not teach or suggest each and every element of the claimed invention.

However, to expedite prosecution, Applicant respectfully submits that Okazaki is not prior art against the claimed invention. Specifically, Applicant notes that the Examiner attempts to rely on Okazaki as allegedly disclosing a first positive electrode layer 9

comprising rhodium (Rh). However, this feature is clearly disclosed in Japanese Patent Application No. H10-150532 (JP '532) which was filed on May 13, 1998, and from which the present Application claims priority (e.g., see claim 1 of JP '532).

Thus, since Okazaki has a U.S. filing date of March 3, 1999, (e.g., its effective date for prior art purposes) which is later than the earliest foreign priority date (e.g., May 13, 1998) of the present Application, Okazaki is clearly not prior art against the present Application. Applicant submits concurrently herewith a verified translation of JP '532, thereby perfecting Applicant's claim to priority.

Applicant notes that each of the prior art rejections of the October 9, 2003 Office Action rely on Okazaki as allegedly disclosing at least one feature of the claimed invention. Therefore, since Okazaki has been removed as a proper prior art reference, Applicant submits that all of the claims are in condition for immediate allowance.

In view of the foregoing, Applicant submits that claims 1-10, 12 and 27-36, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: 12/9/09

Respectfully Submitted,



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